

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Case 1:01-CR-336-04

MARI ANTHONY,
Defendant

TRANSCRIPT OF PROCEEDINGS
SENTENCING HEARING

FILED
HARRISBURG, PA

AUG 14 2003

MARY E D'ANDREA, CLERK

BEFORE: HON. SYLVIA H. RAMBO, Judge

DATE: August 13, 2003

PLACE: Courtroom Number Three
Federal Building
Harrisburg, Pennsylvania

COUNSEL PRESENT:

WILLIAM BEHE, Assistant United States Attorney
For - United States of America

SANFORD ALAN KREVSKY, Esquire
For - Defendant

Vicki L. Fox, RMR
Official Reporter

I N D E XGovernment's WitnessDirectCrossRedirectRecross

1. Brian Chapman

By Mr. Behe

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By Mr. Krevsky

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1 THE COURT: Good afternoon.

2 MR. BEHE: Good afternoon, Your Honor.

3 MR. KREVSKY: Good afternoon, Your Honor.

4 THE COURT: This was the time and date scheduled
5 for sentencing and a hearing regarding objections to the
6 presentence report. I think on a previous order, I wanted
7 evidence with regard to amounts of drugs, threats to a
8 confidential informant and possession of a weapon.

9 Yesterday, I guess we received a motion for a
10 continuance and a motion to withdraw a guilty plea. The
11 first motion to withdraw the guilty plea in essence recited
12 the objections to the presentence report. And those
13 objections are not satisfactory for the Court to consider a
14 withdrawal of the plea.

15 There was an allegation that the defendant did
16 not understand the crime to which he pled. And then today,
17 I received an amended motion alleging in paragraph 12, an
18 amended motion for a withdrawal of the plea which now
19 asserts incompetency of counsel. It is alleged that he was
20 told he would receive a recommended sentence of ten years.

21 Now I can only indicate this: As far as the
22 allegation didn't know as to what he was pleading, I think
23 the record at the plea will substantially support the
24 allegations to which he pled.

25 He did at that time deny any involvement with

1 Tyrone Smith. I think at that time, I indicated that there
2 would be a hearing, and that it also would possibly be
3 considered as relevant conduct.

4 With regard to the allegation of incompetency of
5 counsel, again, there is no transcript, but I know that this
6 Court invariably after the plea agreement is explained to
7 the defendant, I always ask have there been any promises
8 made to you that haven't been set forth in the plea
9 agreement. I think that was answered in the negative.

10 Also, I ask -- and I am sure the record will
11 support the fact that I asked the defendant -- have there
12 been any promises made to you as to what your sentence would
13 be. And I think that was replied in the negative. After
14 which, I explain the potential sentences, statutory
15 sentences that could be received and also explain that there
16 are sentencing guidelines, but I didn't know what those
17 guideline would be until after the presentence report. But
18 under no circumstances, could the guideline exceed the
19 statutory maximum.

20 Now, if I am correct, I don't see any basis for
21 the withdrawal of the plea based on his allegation that he
22 was promised a ten year sentence.

23 Mr. Krevsky, I will defer ruling on the motion to
24 withdraw the guilty plea if you wish to order the transcript
25 to disprove anything that the Court has said. But at this

1 time, I am prepared to address the objections to the
2 presentence report.

3 MR. KREVSKY: Thank you.

4 THE COURT: Okay?

5 MR. KREVSKY: Thank, you Your Honor. If it
6 please the Court, good afternoon. On behalf of my client,
7 what I would ask the Court to do is as follows: We have not
8 asked for a continuance before on the sentencing. He is not
9 on the street. He has been in jail. The only prejudice
10 that would accrue I think would be to him because he is in
11 jail. It is not like he is going to get out tomorrow
12 anyway. He is going to be in for sometime anyway. He
13 understands that.

14 I ask the Court to reconsider the continuation of
15 the sentencing. I ask it for the following reasons --

16 THE COURT: Why? That is what I want to know
17 because you have been on this case for five months, and you
18 have had the presentence report. This case has been
19 continued. This would be the third request for a
20 continuance, but they haven't all been yours. I understand
21 that.

22 MR. KREVSKY: Your Honor, here is the reason. It
23 is sort of an awkward situation. That is why I wanted to
24 address the Court beforehand.

25 My engagement in this case, Your Honor, was to

1 represent my client at sentencing. There was recently some
2 discussions from the family and from my client of his
3 concern about what was happening, particularly since we had
4 made some objections to the presentence report and at least
5 in my opinion and my client's opinion, it wasn't going to
6 make a whole lot of difference in terms of what he was
7 exposed to.

8 At that point, my client and his family were
9 indicating to me that they wanted to perhaps withdraw the
10 guilty plea.

11 I was not engaged to do that until just the end
12 of last week. I was involved in a trial for a whole week in
13 Dauphin County. And I apologize. That is why we filed the
14 motion as late as we did.

15 I would ask the Court if you would consider it, I
16 would like to look at the transcript from the guilty plea
17 colloquy. Frankly, I just had the opportunity today to call
18 prior counsel so that I could explore with him what was
19 shared with my client in terms of the statement or lack of a
20 statement that he would -- that my client would be
21 recommended a certain sentence.

22 I guess what I am asking the Court to do -- I
23 have not filed anything dilatory about this case. Basically
24 what we have tried to do is explain and get proof about some
25 of the things that my client had some problems with.

1 He wanted frankly, Your Honor, certain people to
2 come up on the stand, for example, and say to him yes, you
3 threatened me with a gun. He felt that that wasn't going to
4 happen because it didn't happen. So he was concerned about
5 that.

6 As I go through the response to the presentence
7 investigation, it appears that even if those things are
8 given credit by the Court and those reductions would be
9 made, that he still would be facing the same basic sentence.

10 THE COURT: Because he is a career criminal.

11 MR. KREVSKY: Correct. The other option then,
12 Your Honor, is the acceptance of responsibility aspect of
13 it. If you don't mind, I would like to try to get the Court
14 to do that.

15 And the other element, Your Honor, is the
16 elements on the motion to withdraw. The most significant --

17 THE COURT: Let's go back to the acceptance of
18 responsibility. Why do you need time with that?

19 MR. KREVSKY: For example, Your Honor, I believe
20 that it was not my client's intention not to accept
21 responsibility. He pled to a certain charge. Other than
22 the motion to suppress, he didn't make any beans about his
23 guilt.

24 Especially from my conversations with Mr. Behe,
25 there's indications that he is not accepting it, including

1 not testifying for the government in a trial which really
2 wasn't part of his negotiated plea.

3 THE COURT: That I don't know anything about.

4 MR. KREVSky: Those are things that came to
5 light. Another thing, Your Honor, there was I guess
6 apparently some indication that he was involved with the
7 conspiracy with Mr. Smith. His understanding was that it
8 wasn't going to be used. Except he understood that there
9 was going to be a hearing on it.

10 I am not sure he understood that it was going to
11 be the trial that was going to be the hearing. I don't know
12 that he understood that's where the Court would get its
13 information from, if you are following what I am saying.

14 THE COURT: I think he was told that he could
15 make objections, and that there would be a hearing on those
16 objections if it was necessary.

17 MR. KREVSky: I misunderstood you then. I
18 thought you meant that there was going to be a separate
19 hearing on the issue of conspiracy and whether or not he was
20 involved in the conspiracy prior to the Court making a
21 determination on that.

22 THE COURT: No. The hearing would be on the
23 amount of the drugs that he was contesting, the threat to
24 the confidential informant and the possession of a weapon.
25 Now the amounts of the drugs could probably involve this

1 relevant conduct and his involvement with Smith and Pitts.

2 MR. BEHE: And Toronto Dykes and Marcus Carter

3 THE COURT: The ones he is objecting to. I
4 anticipated that those would be addressed in a sentencing
5 hearing. Now I don't know how you intended to do that.

6 MR. BEHE: Well, as Your Honor knows, the
7 sentencing guidelines and statutory provisions of Title 18
8 allow for the Court to consider information from whatever
9 source as long as there is an indicia of reliability to it.

10 The individuals who testified or whose
11 information was contained in the presentence report
12 testified under oath before Your Honor in a proceeding about
13 their involvement with Tyrone Smith and this defendant.

14 THE COURT: The transcripts of the trial --

15 MR. BEHE: Yes.

16 THE COURT: -- would be relevant to that.

17 MR. BEHE: And they have been prepared by the
18 court reporter. They have been filed with the Court. They
19 are available. I don't know whether Mr. Krevsky has known
20 that or had the opportunity to review them.

21 But that is the extent I would be rely on with
22 the exception of the confidential informant Mr. Chapman who
23 was threatened. He also testified to that at the trial. I
24 had him brought here today simply for that purpose, if
25 necessary.

1 I guess my bottom line was like Mr. Krevsky has
2 stated, even if the Court discounts the information about
3 the drug weights and the information about the gun, and the
4 information about obstruction, he is still at 360 to life.

5 And if the Court accepts the drug weights, and
6 the gun, and the threat to the informant, he is at 360 to
7 life.

8 THE COURT: So you want additional time --

9 MR. KREVSky: Yes.

10 THE COURT: -- on the motion to withdraw the
11 plea?

12 MR. KREVSky: Yes.

13 THE COURT: So that you can look at the
14 transcript of the plea colloquy?

15 MR. KREVSky: Yes. The other thing is I had
16 prior discussions with Mr. Behe. And I thought that the
17 witnesses would be here. I did not know that they intended
18 to introduce the testimony as proof of the allegations that
19 were contained in the presentence investigation.

20 I think that was -- I thought that was why the
21 government had asked for the continuance before, to make
22 such arrangements to have the witnesses present. I
23 understand Mr. Carter is here, but I think the other
24 fellow --

25 MR. BEHE: Chapman is here.

1 MR. KREVSKY: Mr. Carter I thought was going to
2 be here also.

3 THE COURT: Did he testify?

4 MR. BEHE: Yes, he did.

5 THE COURT: Well, the transcripts are on record.

6 MR. KREVSKY: I guess basically, Your Honor, I
7 guess the most important thing that I am asking you to do is
8 allow me the time. And again, Judge, I tried to avoid -- I
9 even talked to Mr. Behe about this.

10 I tried to avoid having witnesses brought in and
11 the Court convening today because we had these things. If
12 you give me some opportunity to do that, it may be a moot
13 point.

14 The only thing I would like to bring to the Court
15 if the other matters resolve themselves would be two-fold.
16 That would be the acceptance of responsibility issue,
17 whether the Court would consider that, and finally the
18 ineffective assistance of counsel.

19 THE COURT: Well, did you see his letter that he
20 wrote?

21 MR. KREVSKY: I did, Your Honor.

22 THE COURT: That doesn't say much at all about
23 acceptance of responsibility. It is a know nothing letter.
24 Let me find it.

25 MR. BEHE: Your Honor, it is attached to the end

1 of the amended presentence investigation report.

2 THE COURT: In regards to my acceptance of
3 responsibility, on April 24, '02, I take full responsibility
4 for my ignorance in this matter. I am remorseful for my bad
5 deeds. I was dealing with a broken spirit, a broken heart,
6 so many personal issues. Also note that my issues does not
7 mean possessed drugs. I want it be known. Sorry for taking
8 my family and kids through this situation, also the courts.
9 I ask for leniency for my family's sake and my kids, also
10 myself and my new found strong belief. And that is the
11 Lord. So I leave it in his hands.

12 He doesn't say much of anything about accepting
13 responsibility for his unlawful conduct.

14 MR. KREVSky: I think what he is saying here,
15 Judge, he said two things. At least one thing to me, and
16 the other one I will interpret from what I know from going
17 over this.

18 The one thing -- and I think the Court is aware
19 of this. Not specifically in relation to Mr. Anthony, but
20 often times, the attorneys will tell the client not to put a
21 whole lot of stuff in that letter. And he has indicated to
22 me that his attorney told him to make it very, very short
23 and not to say a whole lot. That is the one thing.

24 The second thing is, Judge, I am not sure you
25 misunderstood it. If you did, I apologize. So many

1 personal issues, I also know that my issue does not mean
2 possessed drugs, I think what he is talking about there is
3 that even though I was having issues, it does not mean that
4 that condones my involvement with drugs. I think that is
5 what he is saying; because I had issues does not make it
6 right that I got involved in drugs.

7 THE COURT: His denial of the relevant conduct
8 may also deny him acceptance of responsibility. I will let
9 you check. You can brief that issue, whether denial of
10 relevant conduct can also result in denial --

11 MR. BEHE: I would just like to point out that if
12 Mr. Anthony's lawyer told him to keep it short, the faxed
13 copy of the letter I have was May 15th, and Mr. Krevsky was
14 in the case before May 15th.

15 Are you saying you told him to keep it short?

16 MR. KREVSky: I did not. I think the letter was
17 written beforehand. Correct?

18 THE DEFENDANT: Yes.

19 MR. KREVSky: I think what he had said to me was
20 that the letter was written I guess, but it never got to
21 them? Is that what happened?

22 THE DEFENDANT: I asked which counsel at the time
23 that Mr. Rude told me to write the letter. He sent me a
24 letter saying write a brief acceptance of responsibility.
25 At the time I asked which counsel?

1 THE COURT: My only concern about this is that
2 you had this report and could have made an argument
3 concerning acceptance of responsibility and briefed it.

4 You say you still want to argue more about that?
5 Your issue is withdrawal of the guilty plea, and to argue
6 again acceptance of responsibility?

7 MR. KREVSKY: Well --

8 THE COURT: And the amount of the drugs.

9 MR. KREVSKY: I do want to argue acceptance of
10 responsibility because no matter what happens, Your Honor, I
11 think if the Court would be inclined to give him acceptance
12 of responsibility, then whatever happens, even if he used
13 the guidelines as they would involve the career criminal or
14 if you use the guidelines as we would recompute them, either
15 way, he is looking at the 360.

16 But if you give him the acceptance of
17 responsibility, that will substantially lower what he would
18 be facing. So I would like to make sure the Court and
19 Probation is real clear that my client is accepting
20 responsibility for what he did.

21 THE COURT: You had five months to do this,
22 Mr. Krevsky. That is my concern.

23 MR. KREVSKY: We have tried -- I have tried that
24 through objections, Your Honor. The other issue, Judge, is
25 the other issue involving whether or not the motion to

1 withdraw would be appropriate. And that's come up rather
2 quickly to me.

3 MR. BEHE: I also think Mr. Krevsky is incorrect,
4 that it would impact on his client. It isn't just simply a
5 question if I get acceptance, it doesn't matter to me about
6 all those other matters. It does.

7 Because if the Court finds all those other
8 matters, he is at a level 42. If you give him two levels
9 for the acceptance, he still is at 360 to life because it is
10 not until you get below a level 37 that you get into a lower
11 range.

12 So to the extent that the only thing to argue
13 about is acceptance, I don't think that gets him anywhere
14 unless he addresses all those other objections in some
15 fashion which means he has to review the transcripts of the
16 trial.

17 Because if your argument was it doesn't matter as
18 long as I get acceptance, I think it does. I may be
19 mistaken, but he is at a level 42 now. If you reduce it for
20 acceptance of two levels, that is 360 to life. If you
21 reduced it five levels, it is 360 to life.

22 The only way his client benefits is if
23 Mr. Krevsky wins all his objection to the drug amounts, the
24 guns, the threat to the informant and gets acceptance
25 because then it would be at a level 37. Two levels off for

1 acceptance, then he would be down into a lower range.

2 THE COURT: My only concern, Mr. Behe, is since
3 he wanted the hearing on those objections, and that it's the
4 government's need to show by a preponderance of the evidence
5 whether it might be incumbent upon you to show where in the
6 transcript these things are supported.

7 MR. BEHE: I have the transcripts available.

8 THE COURT: I am not too sure he needs to go
9 through it. I think you need to show where you can support
10 each of these objections.

11 MR. BEHE: I can support the objections with the
12 testimony of Marcus Carter and with the testimony of Brian
13 Chapman with regard to the gun and the threat as to the
14 informant. Mr. Chapman specifically spoke of that.

15 THE COURT: Who is here today?

16 MR. BEHE: Chapman.

17 THE COURT: I would suggest while he is here, we
18 use him now for that issue rather than having to bring him
19 back. It is obvious I am going to convene here because you
20 are still going to argue the withdrawal of the guilty plea.
21 You will have to order that transcript from Vicki because I
22 don't think there is one.

23 MR. BEHE: We need a moment.

24 THE COURT: Now on the amounts and possession.
25 Who is going to testify on the possession of the weapon?

1 MR. BEHE: I had nobody here to testify.

2 THE COURT: Is that in the transcript?

3 MR. BEHE: I am certain it's there with Marcus
4 Carter. I will check on that.

5 THE COURT: So the amounts and the possession of
6 the gun. Does that take care of your objection except for
7 the acceptance of responsibility?

8 MR. KREVSKY: Yes, Your Honor.

9 THE COURT: If the transcript supports that by a
10 preponderance of the evidence, I am not going to have him
11 bring any witnesses in.

12 MR. KREVSKY: I understand.

13 THE COURT: Those people were under oath and
14 subject to cross-examination.

15 MR. KREVSKY: I understand.

16 THE COURT: I will let you further argue the
17 issue of acceptance of responsibility, but I just don't know
18 how it is going to change the ground level on this.

19 MR. KREVSKY: Okay. Needless to say, I
20 appreciate the opportunity. Again, Judge, I tried to avoid
21 getting in this position for myself and my client. But
22 really, like I say, I don't think the government -- except
23 for the fact that they brought this gentleman in and they
24 had to convene court, I tried the best I could.

25

Chapman - Direct

18

1 THE COURT: What I am saying is if the transcript
2 by a preponderance of the evidence supports the amount of
3 the drugs, if the testimony supports the weapon and the
4 informant here satisfies by a preponderance of the evidence
5 that he was threatened, the acceptance of responsibility
6 argument is moot because it is not going to reduce it.

7 MR. BEHE: Your Honor, if the only thing Your
8 Honor accepted was Mr. Chapman's testimony, that would make
9 it a level 39 because I think it is a two level upward
10 adjustment. And if he gets acceptance, that would only take
11 it down to 37, which is still 360 to life.

12 THE COURT: Okay. Let's at least hear his
13 testimony. Let's see what happens with regard to the
14 testimony today. I will issue an appropriate order of what
15 issues I think remain and when we will have another hearing
16 on sentencing.

17 MR. KREVSky: Thank you, Your Honor.

18 THE COURT: You might as well go back to counsel
19 table.

20
21 BRIAN CHAPMAN, called as a witness, being duly
22 sworn, testified as follows:

23
24 THE CLERK: Would you state your name, please?

25 A Brian Chapman.

Chapman - Direct

19

DIRECT EXAMINATION

BY MR. BEHE:

Q Good afternoon, Mr. Chapman.

A Good afternoon.

Q Would you please tell us your age?

A I am 22.

Q Your date of birth?

A 8-20-80, August 20, 1980.

Q You are currently in state custody; is that correct?

A Yes, sir; at Camp Hill.

Q You are serving a sentence for drug conviction?

A Yes, sir.

Q What is your sentence?

A One year minimum to five year maximum.

Q That was imposed by the Dauphin County Court of Common Pleas?

A Yes, sir.

Q You testified on behalf of the United States at the trial of Tyrone Smith. Do you recall that?

A Yes, sir.

Q At one point during your testimony, you told the jurors about being threatened by an individual that you would be killed if you testified at the trial or against Tyrone Smith; do you recall that?

A Yes, sir.

Chapman - Direct

20

1 Q Do you see the individual in court today who
2 threatened you?

3 A Yes, sir.

4 Q Could you point him out to the Court, please?

5 A He is right there with the purplish, burgundy shirt
6 on.

7 MR. BEHE: For the record identifying Mari
8 Anthony.

9 BY MR. BEHE:

10 Q Could you tell us, again, please what happened during
11 that incident?

12 A I went to the store off of 13th and Derry. They call
13 it The All Nighter. It was around like one o'clock in the
14 morning. I was driving my friend's car, and I had pulled up
15 to the store.

16 Next thing I know this black Mercedes pulled up
17 beside me, but it was on the other side of the street. And
18 a white Lexus and a brown Thunderbird pulled up behind me.

19 Then I went inside the store. And then a guy
20 came inside the store. And he had a hooded jacket on. And
21 then he says so what's up? I looked over and seen that it
22 was Mari. And then he said what's up? I said -- I just
23 shrugged my shoulders.

24 I went outside the store. And then him and two
25 other guys from the other cars, they came out. They

Chapman - Cross

21

1 approached me. And Mari was like it's f-ed up what you did
2 to my cousin. And we could have you killed if you testify.
3 He said that the guy who killed me, that he can leave the
4 country and nobody would know.

5 Then the other two guys, they left and went
6 inside the car and kept circling around the store. Mari
7 asked me to get inside his car to go for a ride. I said no.
8 He was just talking to me for a little bit more. And he
9 said this is the first and last time we are going to have
10 this talk. And I just got inside my car, and I left.

11 Q Did you report that to anybody with the Dauphin County
12 Drug Task Force or the Drug Enforcement Administration?

13 A I think a week and a half or two weeks later, I did.

14 Q To who, somebody from the Task Force?

15 A Yes.

16 Q You are certain that it was this individual seated in
17 court?

18 A Yes, I am certain.

19 MR. BEHE: Those are all the questions I have.

20 THE COURT: Cross-examine.

21 MR. KREVSKY: Thank you.

22 CROSS-EXAMINATION

23 BY MR. KREVSKY:

24 Q Good afternoon, Mr. Chapman. My name is Sanford
25 Krevsky. I represent Mr. Anthony.

Chapman - Cross

22

1 You are 20 years old?

2 A 22, yes, sir.

3 Q Are you from Harrisburg?

4 A Yes.

5 Q Born and raised here, sir?

6 A Yes, sir.

7 Q For how many of your 22 years have you known
8 Mr. Anthony?

9 A Probably, I would say I really don't know him that
10 well. I just saw him when I went to go meet his cousin. I
11 would say for maybe like three years, but I never like hung
12 out with him or anything.

13 Q So for about three years you knew him?

14 A Yes.

15 Q During that period of time, Mr. Chapman, how many
16 times had you seen my client?

17 A I really can't recall. But a lot of times.

18 Q And you indicated, sir, that at that point -- and I
19 say at that point, the point that you were at the all night
20 store, my client and two other individuals approached you;
21 is that correct?

22 A Yes. Once I came outside the store, the other two
23 guys approached me with Mari.

24 Q Who were the other two guys?

25 A I didn't even know them.

Chapman - Cross

23

1 Q Mr. Chapman, after this incident, besides the
2 discussion outside the store, when was the next time you saw
3 my client?

4 A I saw him the next day. He drove down on 13th Street,
5 and I saw him.

6 Q Did you talk to him, meet with him?

7 A No. He just drove past, and he looked over at me.

8 Q After that, sir, when was the next contact that you
9 had with my client?

10 A None.

11 Q If you recall, did you say that my client had a hood
12 on? Is that what you are saying?

13 A Yes, sir. He had on a brown jacket, and it had a hood
14 on it. He had a hood on when he came inside of the store.

15 Q Were you alone?

16 A Yes, I was.

17 Q And the store was open?

18 A Yeah, open the whole night. That is why it is called
19 The All Nighter.

20 Q I apologize if you did tell us this, but did you say
21 when this happened?

22 A No, I didn't.

23 Q Could you?

24 A I would say maybe in like the Fall of 2002.

25 Q The Fall of 2002?

Chapman - Cross

24

1 A I think, yeah, somewhere around there.

2 Q Just so we are clear, right now it is August of 2003.
3 You are saying sometime around I guess September, October,
4 November of 2002?

5 A Somewhere around there.

6 Q And besides yourself and Mr. Anthony, was there
7 anybody else in the store?

8 A The person who worked there, and some other person was
9 buying something.

10 Q It is your testimony that Mr. Anthony said this with
11 those people there?

12 A No. This is what happened. When I walked out of the
13 store, he told me to come here so he could talk to me. Then
14 those three guys -- him and the other two guys, they
15 surrounded me. That is when he was saying the stuff to me.
16 He didn't say it inside the store. He said it outside the
17 store.

18 Q I understand. So nothing basically was said --

19 A Inside of the store.

20 Q And the fact that he was talking about that it was
21 f-ed up, was that inside the store or outside the store?

22 A Excuse me?

23 Q The fact that he told you that this is f-ed up what
24 you did to my cousin?

25 A That was outside of the store.

Chapman - Redirect

25

1 Q All the relevant conversation was outside of the
2 store?

3 A Yes, sir.

4 Q The only people around would have been yourself, my
5 client and the other two individuals?

6 A When he started talking to me, the other two people
7 that got inside their car. They was like circling around
8 the store. So it was just me and him talking.

9 Q The other people had gone?

10 A Yes. They got inside their car.

11 MR. KREVSky: I beg the Court's indulgence,
12 please. That is all I have, Mr. Chapman. Thank you.

13 THE COURT: Redirect?

14 MR. BEHE: Yes.

15 REDIRECT EXAMINATION

16 BY MR. BEHE:

17 Q Mr. Chapman, regardless of when this accident
18 happened, you reported it shortly afterwards to law
19 enforcement; is that correct?

20 A Yes, sir.

21 Q That would give us a more precise date of when this
22 occurred?

23 A Yes, sir.

24 MR. BEHE: That is all I have.

25 THE COURT: Recross?

Chapman - Recross

26

RE CROSS EXAMINATION

BY MR. KREVSKY:

Q What was it that made you go to the Police at that point?

A Because he threatened me with my life.

Q I guess what I am asking is why did you wait a week?

A Because I was just scared. I was just scared.

Q You were scared to go to the Police?

A Yeah.

Q What made you change your mind?

A So I just went over there. I had to go down there and talk to them for something else, and I told him.

MR. KREVSKY: Thank you, sir.

THE COURT: You may step down. We will defer sentencing. I will issue an order when the date is and what will be addressed at that hearing. Court is adjourned.

THE CLERK: Court is adjourned.

(Whereupon, the proceedings were concluded.)

1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the notes
3 taken by me on the trial of the above cause, and that this
4 copy is a correct transcript of the same.

5
6 Vicki L. Fox RMR

7 Vicki L. Fox, RMR

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